

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 10, 2006

DIVISION TWO

B180383 Green (Not for Publication)
v.
Southern California Edison Company, et al.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B182775 E.E. (Not for Publication)
v.
K.J.

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B186280 People v. Luckey (Not for Publication)

The orders under review are affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

May 10, 2006 (Continued)

DIVISION TWO (Continued)

B185321 Los Angeles County, D.C.S.
 v.
 Shanna B.

B189604 Los Angeles County, D.C.S.
 v.
 Shanna B.

Filed order consolidating above captioned appeals.

DIVISION THREE

B182999 Wilson, et al. (Not for Publication)
 v.
 Pomeranz

The judgment is affirmed. Defendant and respondent Norm Pomeranz is to recover his costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

B186441 Los Angeles County, D.C.S. (Not for Publication)
 v.
 C.M.
 In re E.P. et al., Persons Coming Under the Juvenile Court Law

The order is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B184303 Salazar (Not for Publication)

v.

Superior Court, Los Angeles County
(United Rentals, Inc., r.p.i.)

Let a peremptory writ of mandate issue in the first instance directing the respondent court to: (1) Vacate all discovery orders relating to the equipment rented from real party in interest United Rentals, Inc. and used by petitioner Jamie Salazar at the time of his injury, and enter an order allowing Petitioner and United a total of 60 days to conduct discovery of all relevant and unprivileged items relating to the equipment involved in the incident. This includes taking the deposition of Grace Crickette, United's former vice president, and obtaining all relevant and unprivileged documentation relevant to Crickette's testimony. (2) Consider whether evidentiary, monetary, or other sanctions should be assessed against United or its counsel arising from any destruction, or concealment of evidence, or dilatory action in revealing and producing evidence. On the issue of sanctions, the trial court may hold an evidentiary hearing prior to trial, or if it deems appropriate, address the issue during trial. And, (3) Grant leave to both parties to file a new or supplemental designation of expert witnesses relating only to any newly discovered evidence relating to the equipment. Any such designation must be made within 45 days after the newly conducted discovery is completed. We deny petitioner's request for a writ of mandate in all other respects.

We deny petitioner's August 18, 2005, request for judicial notice. We deny petitioner's October 19, 2005, motion for sanctions. We overrule petitioner's objection to United's response to petitioner's reply and we authorize the filing of United's response. We overrule petitioner's objection to United's opposition to the sanction motion and authorize the filing of United's opposition pleading. The stay issued by this court on July 26, 2005, is lifted. No costs are awarded in this proceeding.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

May 10, 2006 (Continued)

DIVISION THREE (Continued)

B178246 Raymond Edwards II
 v.
 Arthur Andersen LLP

Filed order vacating submission order of February 16, 2006. Due to the press of other court business and the complexity of the issues in this case, additional time is needed to complete and file the opinion in this matter. Cause resubmitted.

DIVISION FIVE

Court reconvened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B187060 People v. Dillard
B184520 People v. David C.
B184996 People v. Estrada
B180484 People v. Talbutt
B182012 People v. Bouie

Argument waived, cause submitted.

B185785 Playa Phase I
 v.
 PVEMTD Commercial

Merits:

Argued by Michael Hennigan for appellant and by John Quinn for respondent. Cause submitted.

DIVISION FIVE (Continued)

B187573 Los Angeles County, D.C.S.

v.

Sebastian T.

In re Alicia T. et al

Merits:

Argued by Andre Toscano for appellant and by Kim Nemoy, Deputy County Counsel, for respondent. Cause submitted.

B183487 State of California

v.

Unnum Provident Corp. et al

Merits:

Argued by Finley Harckham for appellants and by Steven Weinstein for respondents. Cause submitted.

B184483 Kwang Kim et al

v.

Song Yi

Merits:

Argued by Barry Florence for appellants and by Andrew Smyth for respondents. Cause submitted.

B184483 Zoran Vujic

v.

Edward Cutter

Merits:

Argued by Donald Devirian for appellant and by Stewart Mims for respondent. Cause submitted.

DIVISION FIVE (Continued)

B184137 Loc Nguyen
 v.
 Dollar Financial Group

Merits:
Argued by Ellen Lake for appellant and by Michael Hood for respondents.
Cause submitted.

B189765 Bill Henderson
 v.
 Superior Court, Los Angeles County
 (County of Los Angeles, r.p.i.)

Merits:
Argued by John Coleman for real parties in interest and by Chijoke Ikonte
for petitioner. Cause submitted.

B185829 Janice Strockis
 v.
 John Strockis

Merits:
Argued by James Keane for appellant and by Honey Kessler-Amado for
respondent. Cause submitted.

Court recessed at 11:10 a.m.

Court reconvened at 1:00 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B183837 People v. Carlos M.
B184715 People v. Earnie Robinson
B183401 People v. Prince

Argument waived, cause submitted.

May 10, 2006 (Continued)

DIVISION FIVE (Continued)

B183528 People
 v.
 Oliverio De La Cruz-Cody

Merits:
Argued by Robert Sweet for appellant and by Susan Sullivan-Pithey,
Deputy Attorney General, for respondent. Cause submitted.

B180606 Blix Street Records
 v.
 Hugh Cassidy et al.,

Merits:
Argued by Harvey Friedman for appellants and by Rasha Gerges for
respondents. Cause submitted.

Court adjourned.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B185335 Safeco Ins. Co. v. Parks
B186790 Knerr v. Mauldin

Argument continued to June, 2006.

DIVISION SIX (Continued)

B180297 Marchesano
 v.
 Dekkers

Merits:

Argued by Russell S. Balisok for appellants, by Gabriel Mezger-Lashly for respondent and by Curtis A. Cole for amicus curiae in support of respondent. Cause submitted.

B181579 Akkerman
 v.
 Johnson

Merits:

Argued by Kenneth R. Pedroza for appellant Santa Barbara Cottage Hospital and by Kendrick L. Moxon for respondents Akkerman, et al.

The court grants leave for counsel to serve and file supplemental letter briefs within 30 days on the issue of, "may a jury find that there is no injury on a particular fact situation and on those same facts may a court, acting as a court of equity, find there was no injury?"

Submission is deferred pending further order of this court.

Yegan, J. left the bench.

B181598 Hill
 v.
 Axilrod

Merits:

Argued by Jerome Zamos for appellant/cross-respondent Hill, by Greg A. Coates for respondents Axilrod, et al. and by Richard Charles Gagliano for respondent/cross-appellant Patronymk. Cause submitted.

Court recessed at 11:15 A.M.

May 10, 2006 (Continued)

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B186519 Dept. of Social Services v. Roselle W.

Argument waived, cause submitted.

B185725 City of Port Hueneme
v.
The Oxnard Harbor District

Merits:

Argued by Christi Hogin for appellant, by Robert B. England for respondents Vancamp, et al. and by Anson Whitfield for respondent Ventura Co. Railway Co. Cause submitted.

B189200 The State of California
v.
Ventura County Superior Court
(Velasco, r.p.i.)

Order to Show Cause:

Presented by Daniel Mansueto, Deputy Attorney/Dept. of Transportation for petitioner and by Esther R. Sorkin for real party in interest. Cause submitted.

Gilbert, P.J. left the bench.

B183983 Marriage
of
Kammerer

Merits:

Argued by Rhett Thomas Francisco for appellant and by Steven Rein for respondent. Cause submitted.

May 10, 2006 (Continued)

DIVISION SIX (Continued)

Gilbert, P.J. returned to the bench.

Yegan, J. left the bench.

B183194 WG Realty
v.
Alden

Merits:

Argued by Nick Alden, appellant, appearing in propria persona and by Mark S. Neiswender for respondent. Cause submitted.

Court adjourned.

DIVISION SEVEN

B182731 People (Not for Publication)
v.
McCover

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

B184256 People (Not for Publication)
v.
Finch

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B185780 People (Not for Publication)
v.
Favian R.

Probation condition 15 is modified to read, "Do not associate with anyone known to you to be disapproved of by your parents or probation officer." Probation condition 16 is modified to read, "Do not have any dangerous or deadly weapon in your possession, nor remain in the presence of any person known to you to be unlawfully armed." Probation condition 21 is modified to read: "Do not use or possess narcotics, controlled substances, poisons, or related paraphernalia; stay away from places where persons known to you to be users congregated." As modified the order is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B186954 People (Not for Publication)
v.
Jackson

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

May 10, 2006 (Continued)

DIVISION EIGHT

B183557 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

B185345 John W. Cook, II (Not for Publication)
v.
Shannon B. Absher
In re Marriage of John W. Cook, II and Shannon B. Absher

The order of the trial court is reversed and the matter is remanded for reconsideration in light of this opinion. On remand, the superior court shall consider the views expressed in this opinion, shall conduct a new hearing, and shall consider the parties' present circumstances in issuing any further custody and visitation order. The stay granted by this court shall remain in effect until such a decision is made. Each party is to bear its own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

May 10, 2006 (Continued)

DIVISION EIGHT (Continued)

B181689 People (Not for Publication)
v.
Hinton

The trial court is directed to correct its orders, judgment and the abstract of judgment to reflect that the enhancements for counts 3 and 4 were imposed under Penal Code section 12022.5, subdivision (a)(1). In all other respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.